

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

GOOGLE LLC,  
Petitioner,

v.

NavBlazer, LLC,  
Patent Owner.

---

IPR2021-00503  
Patent 9,075,136 B1

Before KEVIN F. TURNER, GARTH D. BAER, and AARON W. MOORE,  
*Administrative Patent Judges.*

BAER, *Administrative Patent Judge.*

JUDGMENT  
Final Written Decision  
Determining All Challenged Claims Unpatentable  
*35 U.S.C. § 318(a)*

## I. INTRODUCTION

Petitioner, Google LLC, filed a Petition requesting *inter partes* review of claims 55, 56, 60–64, 66, 67, 69–71, 75–80, 82, 85–89, 91, and 93–98 of U.S. Patent No 9,075,136 B1 (Ex. 1001, “the ’136 patent”). Paper 1 (“Pet.”). Patent Owner, NavBlazer, LLC, did not file a preliminary response. On August 5, 2021, we instituted trial. Paper 7 (“Inst. Dec.”). Patent Owner did not file a Response and neither party requested oral argument.

We have jurisdiction to conduct this *inter partes* review under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons below, we determine that Petitioner has shown, by a preponderance of evidence, claims 55, 56, 60–64, 66, 67, 69–71, 75–80, 82, 85–89, 91, and 93–98 of the ’136 patent are unpatentable.

### A. RELATED MATTERS

The parties identify the following district court litigations involving the ’136 patent, all of which, according to the parties, have been voluntarily dismissed with prejudice: *NavBlazer, LLC v. Hyundai Motor America*, 2:20-cv-00072 (E.D. Tx.); *NavBlazer, LLC v. TomTom North America, Inc.*, 6:20-cv-00112 (W.D. Tx.); *NavBlazer, LLC v. Motorola Mobility LLC*, 6:20-cv-00100 (W.D. Tx.); *NavBlazer, LLC v. LG Electronics, Inc.*, 6:20-cv-00095 (W.D. Tx.); *NavBlazer, LLC v. Samsung Electronics Co., Ltd.*, 6:20-cv-00089 (W.D. Tx.); and *NavBlazer, LLC v. Apple Inc.*, 6:20-cv-00085 (W.D. Tx.). See Pet. 48–49; Paper 6, 2.

## B. THE '136 PATENT

The '136 patent is directed to providing information to a vehicle user, including road and traffic conditions, as well as other useful information.

Ex. 1001, 1:14–19. Figure 2 of the '136 patent is reproduced below.

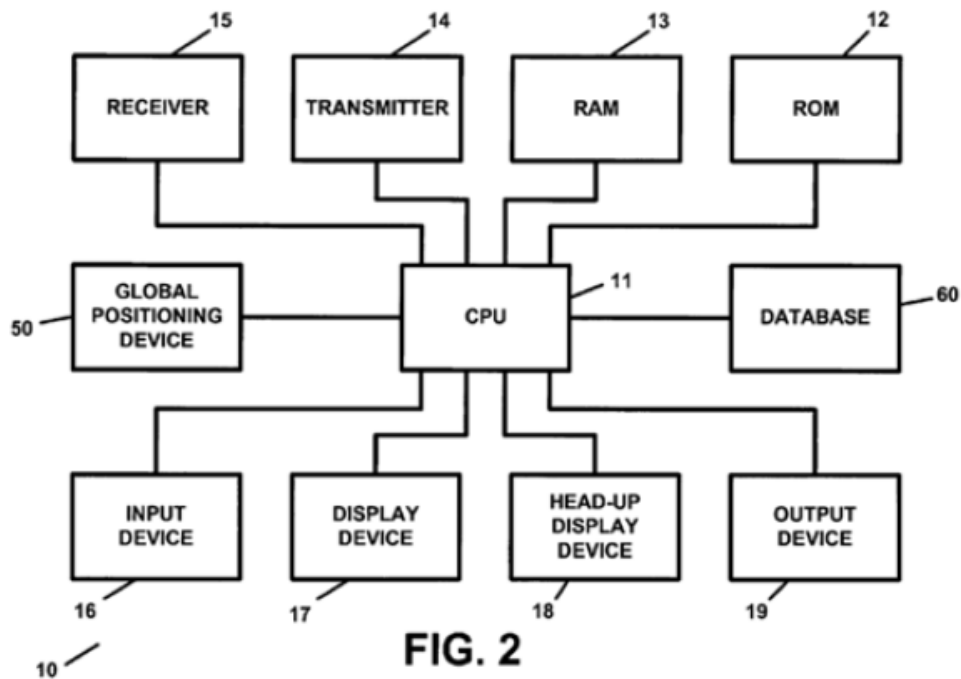


Figure 2, shown above, depicts a vehicle computer 10 and its components. *Id.* at 6:24–25, 8:60–67.

## C. CHALLENGED CLAIMS

Petitioner challenges claims 55, 56, 60–64, 66, 67, 69–71, 75–80, 82, 85–89, 91, and 93–98 of the '136 patent. Of the challenged claims, claims 55, 69, 70, 85, and 86 are independent. Claim 55 is illustrative and reproduced below:

55. An apparatus, comprising:  
a global positioning device, wherein the global positioning device determines a position or a location of a vehicle;

a processing device, wherein the processing device processes information regarding the position or the location of the vehicle and information regarding a destination to which the vehicle can travel on at least one of a road, a roadway, a highway, a parkway, and an expressway, and further wherein the processing device determines or identifies a travel route to the destination;

a display device or a speaker, wherein the display device displays information regarding the travel route or the speaker provides audio information regarding the travel route; and

a receiver, wherein the receiver receives traffic information or information regarding a traffic condition, wherein the traffic information or the information regarding a traffic condition is transmitted from a computer, a transmitter, or a device, located at a location remote from the vehicle,

wherein the apparatus provides the traffic information or the information regarding a traffic condition at the vehicle via the display device or via the speaker.

Ex. 1001, 29:5–26.

#### D. ASSERTED GROUNDS OF UNPATENTABILITY

Petitioner asserts the following grounds of unpatentability. Pet. 6–7.

Petitioner submits the Declaration of Michael Braasch (Ex. 1003) in support of its arguments.

| Claims Challenged                                      | 35 U.S.C. § <sup>1</sup> | References/Basis             |
|--------------------------------------------------------|--------------------------|------------------------------|
| 55, 56, 60–62, 69–71, 75–77, 82, 86, 89, 91, 93–95, 98 | 103                      | Schreder <sup>2</sup>        |
| 63, 66, 78, 79, 85, 96, 97                             | 103                      | Schreder, Behr <sup>3</sup>  |
| 64, 67, 80, 87, 88                                     | 103                      | Schreder, Suman <sup>4</sup> |

<sup>1</sup> The Leahy-Smith America Invents Act (“AIA”) amended 35 U.S.C. § 103. See Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011). As the application that issued as the ’136 patent was filed before the effective date of the relevant amendments, the pre-AIA version of § 103 applies.

<sup>2</sup> US 5,504,482, Apr. 2, 1996 (Ex. 1005, “Schreder”).

<sup>3</sup> US 5,808,566, Sep. 15, 1998 (Ex. 1004, “Behr”).

| Claims Challenged                                      | 35 U.S.C. § <sup>1</sup> | References/Basis                |
|--------------------------------------------------------|--------------------------|---------------------------------|
| 55, 56, 60–62, 69–71, 75–77, 82, 86, 89, 91, 93–95, 98 | 103                      | Schreder, Hanchett <sup>5</sup> |
| 63, 66, 78, 79, 85, 96, 97                             | 103                      | Schreder, Behr, Hanchett        |
| 64, 67, 80, 87, 88                                     | 103                      | Schreder, Suman, Hanchett       |

## II. DISCUSSION

### A. LEVEL OF SKILL IN THE ART

Petitioner contends a person of ordinary skill in the art at the time of the alleged invention of the '136 patent (a “POSITA”) would have had

at least a Bachelor's Degree in an Engineering discipline such as Electrical or Computer Engineering, or a Bachelor's Degree in Computer Science or equivalent degree, and at least two years of relevant experience in the research, design, development and/or testing of navigation systems, embedded systems or the equivalent, with additional education substituting for experience and *vice versa*.

Pet. 4 (citing Ex. 1003 ¶¶ 35–36). We agree with and adopt Petitioner's articulation of the level of ordinary skill in the art, which is supported by Dr. Braasch's testimony and appears commensurate with the level of ordinary skill as reflected in the asserted prior art and the '136 patent.

### B. CLAIM CONSTRUCTION

Although Petitioner identifies several disputed claim terms in a related district court litigation, Petitioner notes that “[t]his claim construction dispute, however, does not alter resolution of this Petition because the Challenged Claims are unpatentable under [both parties'] proffered constructions.” *Id.* at 9. We agree with Petitioner that no claim terms

---

<sup>4</sup> US 6,028,537, Feb. 22, 2000 (Ex. 1007, “Suman”).

<sup>5</sup> US 5,396,429, Mar. 7, 1995 (Ex. 1008, “Hanchett”).

require express construction in order to determine whether the challenged claims are unpatentable. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (“[W]e need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy.’”) (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

### C. UNPATENTABILITY ANALYSIS

#### *1. Obviousness over Schreder*

Petitioner asserts that claims 55, 56, 60–62, 69–71, 75–77, 82, 86, 89, 91, 93–95, and 98 would have been obvious over Schreder. Pet. 16–30. Based on Petitioner’s analysis and for the reasons explained below, we find Petitioner has shown by a preponderance of evidence that claims 55, 56, 60–62, 69–71, 75–77, 82, 86, 89, 91, 93–95, and 98 would have been obvious over Schreder.

##### *a. Summary of Schreder (Ex. 1005)*

Schreder describes an automobile that is “equipped with an inertial measuring unit, an RF GPS satellite navigation unit and a local area digitized street map system for precise electronic positioning and route guidance.” Ex. 1005, code (57). Schreder’s automobile includes “RF receivers to monitor updated traffic condition information for dynamic rerouting guidance.” *Id.*

##### *b. Obviousness of Claim 55 over Schreder*

###### *i. Preamble*

Petitioner asserts that Schreder teaches “[a]n apparatus” as recited in claim 55’s preamble. Pet. 17–18. For example, Petitioner asserts Schreder’s system, including display device 48, map storage system 46, processors, and programmed memories is an apparatus. *Id.* at 17. We have reviewed

Petitioner's argument and evidence and determine Petitioner has sufficiently shown Schreder teaches the apparatus recited in claim 55's preamble.<sup>6</sup>

*ii. "a global positioning device . . ."*

Claim 55 recites "a global positioning device, wherein the global positioning device determines a position or a location of a vehicle." Petitioner asserts Schreder teaches this limitation because its navigation system includes a GPS receiver that receives signals from GPS satellites, thus obtaining accurate vehicle position information. *Id.* at 18 (citing Ex. 1005, 7:15–17, 12:21–32). We have reviewed Petitioner's argument and evidence and determine Petitioner has sufficiently shown Schreder teaches the global positioning device recited in claim 55.

*iii. "a processing device . . ."*

Claim 55 further requires "a processing device, wherein the processing device processes information regarding the position or the location of the vehicle and information regarding a destination to which the vehicle can travel on at least one of a road, a roadway, a highway, a parkway, and an expressway, and further wherein the processing device determines or identifies a travel route to the destination." Petitioner corresponds Schreder's planning processor 70 to the claimed processing device. *Id.* at 19. As Petitioner notes, Schreder's planning processor "receives three types of information including current position . . . , current dynamic traffic flow information . . . , and digitized map and destination information from the entry controller 68, to plan vehicular routes." *Id.* (quoting Ex. 1005, 10:4–34). We have reviewed Petitioner's argument and

---

<sup>6</sup> Because we determine Petitioner has sufficiently shown Schreder teaches the subject matter recited in the preamble, we need not determine whether the preamble is limiting.

evidence and determine Petitioner has sufficiently shown Schreder teaches the processing device, with its associated functionality, recited in claim 55.

*iv. “a display device or a speaker . . .”*

Claim 55 further requires “a display device or a speaker, wherein the display device displays information regarding the travel route or the speaker provides audio information regarding the travel route.” Petitioner explains that Schreder’s system includes a “display device 48 [that] displays the planned route and current position cursor within the displayed vicinity map portion” as well as “a speaker [that] audibly inform[s] the driver of pending turns.” Pet. at 19–20 (quoting Ex. 1005, 8:18–39) (emphasis omitted). We have reviewed Petitioner’s argument and evidence and determine Petitioner has sufficiently shown Schreder teaches the display device and speaker, along with the associated functionality, recited in claim 55.

*v. “a receiver . . .”*

Claim 55 further requires “a receiver, wherein the receiver receives traffic information or information regarding a traffic condition.” Petitioner corresponds Schreder’s radio data system 28, which includes “an ‘RF processor 78 for receiving incoming RF transmissions digitally encoded with traffic flow information’” to the claimed receiver. *Id.* at 20 (quoting Ex. 1005, 10:35–53). We have reviewed Petitioner’s argument and evidence and determine Petitioner has sufficiently shown Schreder teaches the receiver, with the associated functionality, recited in claim 55.

*vi. “traffic information . . .”*

Claim 55 further requires “wherein the traffic information or the information regarding a traffic condition is transmitted from a computer, a transmitter, or a device, located at a location remote from the vehicle.” Petitioner explains that Schreder teaches this remote-transmission limitation

because Schreder teaches broadcasting transmitters that distribute local traffic flow conditions over an AM/FM radio channel. *Id.* at 21 (citing Ex. 1005, 10:35–67). According to Petitioner’s expert, Dr. Braasch, one skilled in the art “would have understood that the described ‘broadcasting transmitter(s)’ are located remotely from the vehicle.” *Id.* (citing Ex. 1003 ¶ 143). We have reviewed Petitioner’s argument and evidence and determine Petitioner has sufficiently shown Schreder teaches claim 55’s requirement for remote transmission of traffic information.

*vii. “provid[ing] the traffic information . . .”*

Claim 55 further requires “wherein the apparatus provides the traffic information or the information regarding a traffic condition at the vehicle via the display device or via the speaker.” Petitioner explains that Schreder teaches this limitation because, in Schreder, traffic flow information can be both displayed on the screen and provided via synthesized voice messages. *Id.* at 21 (citing Ex. 1005, 13:14–36). We have reviewed Petitioner’s argument and evidence and determine Petitioner has sufficiently shown Schreder teaches claim 55’s requirement for providing traffic information via the display or speaker.

*viii. Conclusion*

We are persuaded Petitioner has shown sufficiently that Schreder teaches the limitations of claim 55. Patent Owner does not dispute Petitioner’s assertions. Accordingly, the information presented demonstrates by a preponderance of evidence that claim 55 would have been obvious over Schreder.

2. *Obviousness of Claims 56, 60–62, 69–71, 75–77, 82, 86, 89, 91, 93–95, and 98 over Schreder*

Claims 56, 60–62, 69–71, 75–77, 82, 86, 89, 91, 93–95, and 98 either parallel claim 55 or add a feature related to route departure, traffic forecast, road maintenance, or weather. We have reviewed Petitioner’s arguments and evidence that claims 56, 60–62, 69–71, 75–77, 82, 86, 89, 91, 93–95, and 98 are unpatentable over Schreder. *See* Pet. 21–30. Again, Patent Owner does not dispute Petitioner’s contentions. We find the information presented demonstrates by a preponderance of evidence that claims 56, 60–62, 69–71, 75–77, 82, 86, 89, 91, 93–95, and 98 are unpatentable over Schreder.

3. *Additional Obviousness Grounds*

Petitioner asserts claims 63, 66, 78, 79, 85, 96, and 97 would have been obvious over Schreder and Behr. Pet. 30–39. Petitioner further asserts claims 64, 67, 80, 87, and 88 would have been obvious over Schreder and Suman. *Id.* at 39–45. Petitioner adds Behr for two limitations—receiving information regarding a news report and remote route calculation. *See id.* at 30, 32–33. Petitioner adds Suman for limitations requiring dashboard/console mounting and microphone input. *See id.* at 39–40, 43. We have reviewed Petitioner’s arguments and evidence regarding these additional grounds. Again, Patent Owner does not dispute Petitioner’s contentions. We find the information presented demonstrates by a preponderance of evidence that these claims would have been obvious over the asserted prior art.

Petitioner asserts three alternative obviousness grounds to address “[u]npatentability under the claim constructions proposed by Defendants in district court litigation.” *Id.* at 16. These additional grounds add Hanchett

to address a construction of the claims that would require the “information” to be received from cameras along the travel route. *See id.* at 45–46. Given that neither party has proposed such a construction in this case, much less supported it, we have not adopted this construction, and we do not consider these alternative grounds.

### III. CONCLUSION<sup>7</sup>

Having reviewed all of the evidence and arguments, we determine, on this record, that Petitioner has demonstrated by a preponderance of evidence that claims 55, 56, 60–64, 66, 67, 69–71, 75–80, 82, 85–89, 91, and 93–98 of the ’136 patent are unpatentable over the asserted prior art.

---

<sup>7</sup> Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this Decision, we draw Patent Owner’s attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*, 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. *See* 37 C.F.R. § 42.8(a)(3), (b)(2).

| <b>Claims</b>                                                         | <b>35<br/>U.S.C.<br/>§</b> | <b>Reference(s)/Basis</b>                  | <b>Claims<br/>Shown<br/>Unpatentable</b>                              | <b>Claims<br/>Not Shown<br/>Unpatentable</b> |
|-----------------------------------------------------------------------|----------------------------|--------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------|
| 55, 56,<br>60–62,<br>69–71,<br>75–77, 82,<br>86, 89, 91,<br>93–95, 98 | 103                        | Schreder                                   | 55, 56, 60–62,<br>69–71, 75–77,<br>82, 86, 89, 91,<br>93–95, 98       |                                              |
| 63, 66, 78,<br>79, 85, 96,<br>97                                      | 103                        | Schreder, Behr                             | 63, 66, 78, 79,<br>85, 96, 97                                         |                                              |
| 64, 67, 80,<br>87, 88                                                 | 103                        | Schreder, Suman                            | 64, 67, 80, 87,<br>88                                                 |                                              |
| 55, 56,<br>60–62,<br>69–71,<br>75–77, 82,<br>86, 89, 91,<br>93–95, 98 | 103                        | Schreder,<br>Hanchett <sup>8</sup>         |                                                                       |                                              |
| 64, 67, 80,<br>87, 88                                                 | 103                        | Schreder, Behr,<br>Hanchett <sup>9</sup>   |                                                                       |                                              |
| 64, 67, 80,<br>87, 88                                                 | 103                        | Schreder, Suman,<br>Hanchett <sup>10</sup> |                                                                       |                                              |
| <b>Overall<br/>Outcome</b>                                            |                            |                                            | 55, 56, 60–64,<br>66, 67, 69–71,<br>75–80, 82,<br>85–89, 91,<br>93–98 |                                              |

<sup>8</sup> As explained above, we do not reach this alternative ground.

<sup>9</sup> As explained above, we do not reach this alternative ground.

<sup>10</sup> As explained above, we do not reach this alternative ground.

#### IV. ORDER

It is hereby:

ORDERED that claims 55, 56, 60–64, 66, 67, 69–71, 75–80, 82, 85–89, 91, and 93–98 of the '136 patent are unpatentable under 35 U.S.C. § 103; and

FURTHER ORDERED that this Decision is final, and a party to this proceeding seeking judicial review of the Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

IPR2021-00503  
Patent 9,075,136 B1

PETITIONER:

Joseph Sauer  
Matthew Johnson  
David Cochran  
JONES DAY  
[jmsauer@jonesday.com](mailto:jmsauer@jonesday.com)  
[mwjohnson@jonesday.com](mailto:mwjohnson@jonesday.com)  
[dcochran@jonesday.com](mailto:dcochran@jonesday.com)

PATENT OWNER:

René A. Vazquez  
SINERGIA TECHNOLOGY LAW GROUP, PLLC  
[rvazquez@sinergialaw.com](mailto:rvazquez@sinergialaw.com)

M. Scott Fuller  
GARTEISER HONEA PLLC  
[sfuller@ghiplaw.com](mailto:sfuller@ghiplaw.com)